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धसाधारण

EXTRAORDINARY

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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF PETROLEUM & CHEMICALS

(Department of Petroleum)

ORDER

New Delhi, the 26th February 1966

G.S.R. 292.—In exercise of the powers conferred by sub-rules (2) and (3) of rule 125 of the Defence of India Rules, 1962, the Central Government hereby makes the following Order, namely:—

1. **Short title, extent and commencement.**—(1) This Order may be called the Kerosene (Price Control) Order, 1966.

(2) It extends to the whole of India.

(3) It shall come into force on the 26th day of February, 1966.

2. **Definitions.**—In this Order, unless the context otherwise requires,—

(a) "dealer" means a person carrying on the business of selling kerosene, whether wholesale or retail and whether in conjunction with any other business or not, and includes—

(i) his representative or agent; and

(ii) an oil company making wholesale supply from its storage or selling point;

(b) "declared price" in relation to any variety of kerosene sold in any area means the price declared by—

- (i) the State Government, in the case of an area in a State, or
- (ii) the Administrator of a Union Territory, in the case of an area in a Union territory, or
- (iii) such officer as the State Government or the Administrator of a Union territory, as the case may be, may empower in this behalf; as the price at which that variety of kerosene was normally sold by a dealer in that area on the 26th day of February, 1966:

Provided that where no price has been declared for any variety of kerosene for any area, the price at which such variety of kerosene was normally sold by a dealer in that area on the date of issue of this Order shall be deemed to be the declared price of that variety of kerosene for that area;

(c) the expression "kerosene" shall have the meaning assigned to it in Item No. 7 of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944) and shall include aviation turbine fuel.

3. Fixation of maximum price.—On and from the date of commencement of this Order, no dealer shall sell kerosene to any person at a price which is in excess of the aggregate of the following, namely:—

- (a) the declared price;
- (b) such increase or decrease if any, in central duties and port charges after the 26th day of February, 1966, as the Central Government may, by notification in the official Gazette, specify in this behalf;
- (c) (i) the increase or decrease, if any, in the railway freight actually paid for transporting, after the 26th day of February, 1966, the quantity of kerosene from the nearest port of installation to the place of sale; or
- (ii) such portion of the increase or decrease, if any, in the road transportation charges actually paid after the 26th of February, 1966 for the transportation of supplies of kerosene by road by the dealer from the nearest storage or selling point of any oil company to the place of sale, as the State Government, or, as the case may be, the Administrator of a Union territory, may, having regard to the transportation charges payable for the transportation of goods by the shortest route, allow;
- (d) the increase or decrease, if any, in the sales tax and in any local tax levied after the 26th day of February, 1966, on the quantity of kerosene.

4. Kerosene stock to be displayed.—Every dealer shall cause to be prominently displayed on a special board to be maintained for this purpose at or near the entrance of the place of sale—

- (a) the varieties of Kerosene held by him from time to time in stock for ready delivery;
- (b) the declared price of each such variety of kerosene; and
- (c) the price at which he proposes to sell each such variety of kerosene.

5. Prohibition against withholding from sale.—No dealer having stock of kerosene shall withhold it from sale.

6. Forfeiture.—Any court trying a contravention of this Order, may direct that any stock of kerosene in respect of which the court is satisfied that this Order has been contravened, shall be forfeited to Government.

7. Inspection and maintenance of books of accounts, documents and records.—Any officer authorised in this behalf by the State Government in relation to a territory in a State or, as the case may be, by the Administrator, in relation to a territory in a Union territory, may, with a view to securing compliance with this Order—

- (i) require the dealer to maintain and produce for inspection such books of accounts or other documents and records relating to his business and to furnish such information relating thereto, as may be specified in such authorisation, and
- (ii) prescribe the manner in which accounts of sale or purchase of or other transactions in kerosene should be kept.

8. Power of entry, search and seizure.—(1) Any officer authorised in this behalf by the State Government in relation to a territory in a State or, as the case may be, by the Administrator, in relation to a territory in a Union territory, may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with and with such assistance, if any, as he thinks fit—

- (i) enter, inspect or break open and search any place or premises, vehicle or vessel which he has reason to believe has been or is being used for the contravention of this Order, and
- (ii) search, seize and remove stocks of kerosene and the animals, vehicles, vessels, or other conveyance used in carrying kerosene in contravention of the provisions of this Order, and thereafter take or authorise the taking of all measures necessary for securing the production of the said stocks and the animals, vehicles, vessels or other conveyance so seized, in a court and for their safe custody pending such production.

9. The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this Order.

10. Repeal and saving.—On and from the date of commencement of this Order, the Essential Articles (Price Control) Order, 1963, shall cease to have effect in relation to kerosene, and the Kerosene (Price Control) Order, 1963 shall cease to have effect, except as respects things done or omitted to be done thereunder before the commencement of this Order.

[No. F. 101(36)/65-PPD.]

S. K. GUHA, Jt. Secy.

MINISTRY OF FOOD & AGRICULTURE

ERRATUM

In the Ministry of Food and Agriculture (Department of Food) Order No. 204 (DEL)(2)/865/65-PY.II, dated 28th January, 1966, published as G.S.R. 157 in the Gazette of India Extraordinary, Part II—Section 3—Sub-section (i), dated 28th January, 1966, the following correction may be made:—

In para 2 of the notification—

In the 3rd line of the 'Note',

for "Rs. 43.38" read "Rs. 48.38".

